

REMARKS

In response to the Office Action mailed August 7, 2002, Applicants have amended claims 1, 14-16 and 21, and canceled claims 11-13 and 17. Claims 1-10, 14-16 and 18-24 are presented for examination.

The Examiner objected to Figs. 1 and 2. Applicants submit herewith amended versions of Figs. 1 and 2, and request reconsideration and withdrawal of the objection to Figs. 1 and 2.

The Examiner objected to the Abstract. Applicants have amended the Abstract, and request reconsideration and withdrawal of the objection to the Abstract.

The Examiner rejected claims 1-24 under 35 U.S.C. §102(b) as being anticipated by Breault, U.S. Patent No. 4,017,663 ("Breault").

As amended, the claims cover compositions that compose a fuel cell electrode containing a catalyst and a material that is resistant to oxidation up to about 3.0 Volts vs. SHE on which the catalyst is distributed.

In contrast, Breault's fuel cell electrode has a catalyst supported by graphite. (Breault col. 3, lines 20-22, 29-31 and 43-45). The fuel cell electrode can further contain tungsten oxide *mixed with* the graphite-supported catalyst, but the catalyst is *distributed on* the graphite and *mixed with* the tungsten oxide. (*Id.* col. 3, lines 29-31 and 43-45). The catalyst is *not distributed on* by the tungsten oxide. (*Id.*). Moreover, there is no suggestion to modify Breault's fuel cell electrode to provide the fuel cell electrode compositions covered by claims 1-24. Applicants therefore request reconsideration and withdrawal of the rejection of claims 1-24 under 35 U.S.C. §102(b) as being anticipated by Breault.

The Examiner rejected claims 1-8, 10-12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by Narayanan et al., U.S. Patent No. 5,945,231 ("Narayanan").

As amended, claims 1-8, 10-12, 14 and 15 cover compositions that compose a fuel cell electrode that contains a catalyst that is distributed on a material that is resistant to oxidation up to about 3.0 Volts vs. SHE with a load between about 5 percent and about 95 percent.

Narayanan does disclose a fuel cell electrode that contains a catalyst and zirconium oxide. (Narayanan col. 9, lines 24-38). However, Narayanan does not disclose that the catalyst

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is distributed on the catalyst with a load between about 5 percent and about 95 percent.

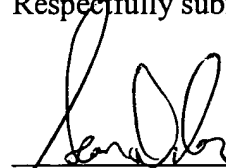
Applicants therefore request reconsideration and withdrawal of the rejection of claims 1-8, 10-12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by Narayanan.

Attached is a marked-up version of the changes being made by the current amendment.

Applicants believe the application is in condition for allowance, which action is respectfully requested. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Version with markings to show changes made

In the claims

Claims 11-13 and 17 were cancelled.

The claims were amended as follows.

- 1. (Amended) A composition, comprising:
a catalyst;
a first material resistant to oxidation up to about 3.0 Volts vs. SHE; and
a non-electrolytic material different than the catalyst,
wherein the catalyst is distributed on the first material with a load between about 5 percent and about 95 percent, and the [catalyst and the non- electrolytic material compose] composition composes a fuel cell electrode.
14. (Amended) The composition of claim [11] 1, wherein the first material comprises an oxide.
15. (Amended) The composition of claim [11] 1, wherein the first material is selected from a group consisting of tungsten oxide, zirconium oxide, niobium oxide, and tantalum oxide.
16. (Amended) A composition, comprising:
a catalyst; and
a first material resistant to oxidation up to about 3.0 Volts vs. SHE,
wherein the catalyst is distributed on the first material, and the [catalyst and the first material compose] composition composes a fuel cell electrode.
21. (Amended) A composition, comprising:
a catalyst capable of catalyzing oxidation of a fuel cell gas;
a first material resistant to oxidation up to about 3.0 Volts vs. SHE; and

a binder comprising a fluorine-containing non- electrolytic material, the binder containing the first material and the catalyst,

wherein the catalyst is distributed on the first material, and the [catalyst, the first material, and the non-electrolytic material compose] composition composes a fuel cell electrode.--

In the abstract:

--A composition includes a catalyst, and a non-electrolytic material different than the catalyst, wherein the catalyst and the non-electrolytic material compose a fuel cell electrode.
The composition further includes a material that is resistant to oxidation up to about 3.0 Volts vs. SHE. The catalyst is distributed on the additional material, and the additional material can be an oxide.--